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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Yoshihiko HIGUCHI et al.

Serial No. 08/959,125

Filed October 28, 1997

DRY MEASURING TEST DEVICE

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Mail Stop:

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ACCOUNTING DIVISION

REFUND BRANCH

OFFICE

Attorney Docket No. 2003_1789

Confirmation No. 4244

REQUEST FOR REFUND

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Applicants respectfully request a refund of \$180.00 charged to Deposit Account No. 23-0975 on June 20, 2005 for an Information Disclosure Statement (IDS). Applicants assert the charge is incorrect.

After reviewing the file, it is assumed that the charge is connected to a Supplemental IDS filed June 9, 2005 (copy enclosed). The normal \$180.00 fee was not necessary in this case because paragraph 2 was certified and the IDS was submitted prior to the mailing of a final action. We can find no other reason for the charge.

Kindly credit the refund of \$180.00 to the deposit account of undersigned, no. 23-0975. If there are any questions regarding this matter, please contact Kara Reade, Accounting Assistant, at (202) 721-8226.

Respectfully submitted,

Yoshihiko HIGUCHI et al.

By

Jay F. Williams

Registration No: 48,036

Attorney for Applicants

JFW/ker

WENDEROTH, LIND & PONACK, L.L.P.

2033 K Street, N.W., Suite 800

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January 9, 2006

2003_1789

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : Confirmation No. 4244
Yoshihiko HIGUCHI et al. : Docket No. 2003-1789
Serial No. 08/959,125 : Group Art Unit 1743
Filed October 28, 1997 : Examiner Lyle Alexander
DRY MEASURING TEST DEVICE : Mail Stop: Amendment

COPY

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

THE COMMISSIONER IS AUTHORIZED
TO CHARGE ANY DEFICIENCY IN THE
FEES FOR THIS PAPER TO DEPOSIT
ACCOUNT NO. 23-0975

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of the references listed on attached form PTO-1449 and any additional information identified below in paragraph 3. A legible copy of each reference listed on the Form PTO-1449 is enclosed, except a copy is not provided for:

- ☒ each U.S. Patent and U.S. Patent application publication;
- ☐ each reference previously cited in the international application PCT/_____; and/or
- ☐ each reference previously cited in prior parent application Serial No. _____.

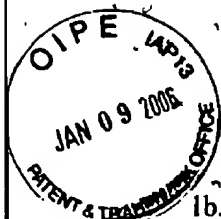
1a. ☐ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

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1b. ☒ [X] This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☒ [X] the certification of paragraph 2 below is provided, or:

(2) ☐ [] the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ [] This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

the certification of paragraph 2 below is provided, and

the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

2. It is hereby certified

a. ☒ [X] that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ [] that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ [] Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:

- a. ☒ a full or partial English language translation submitted herewith (please note that US 5,147,606 corresponds to Japanese Patent Laid-Open Publication No. 4-232855, and WO 92/15863 corresponds to Patent Domestic Laid-Open Publication No. 6-505342),
- b. ☐ a foreign patent office search report (in the English language) submitted herewith,
- c. ☐ the concise explanation contained in the specification of the present application at page,
- d. ☐ the concise explanation set forth in the attached English language abstract,
- e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:

5. ☒ The following foreign patent office search report citing one or more of the references is enclosed: Japanese Office Action mailed March 29, 2005 in corresponding Japanese Patent Application No. 8-290227, an English translation of which is enclosed. Please also note that the cited JP 63-15800 corresponds to US 5,589,347 is of record.


6. ☐ Statement Under 37 CFR 1.704(d)

Each item of information contained in the Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart application, and this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the Information Disclosure Statement.

Respectfully submitted,

Yoshihiko HIGUCHI et al.

By



Warren M. Cheek, Jr.
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June 9, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

: Confirmation No. 4244

Yoshihiko HIGUCHI et al.

: Docket No. 2003_1789

Serial No. 08/959,125

: Group Art Unit 1743

Filed October 28, 1997

: Examiner Lyle Alexander

DRY MEASURING TEST DEVICE

: Mail Stop: Amendment

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Commissioner for Patents
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THE COMMISSIONER IS AUTHORIZED
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ACCOUNT NO. 23-0975

Sir:

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- ☐ each reference previously cited in the international application PCT/_____; and/or
- ☐ each reference previously cited in prior parent application Serial No. _____

1a. ☐ This Information Disclosure Statement is submitted:

06/20/2005 ASINGLET 00000001-230975 08959125

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18 within three months of the filing date (or of entry into the National Stage) of the above-entitled application, or

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

and thus no certification and/or fee is required.

Adjustment date: 02/09/2006 SDENB081
06/20/2005 ASINGLET 00000001 230975 08959125
01 FC:1806 180.00 CR

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